

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SRI INTERNATIONAL INC., a)	
California corporation,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 04-1199-SLR
)	
INTERNET SECURITY SYSTEMS,)	
INC., a Georgia corporation,)	
SYMANTEC CORPORATION, a)	
Delaware corporation, and)	
INTERNET SECURITY SYSTEMS)	
INC., a Delaware corporation,)	
)	
Defendants.)	

O R D E R

At Wilmington this 21st day of June, 2006, having heard argument and reviewed evidence in connection with the matter of the inadvertent disclosure of the document bearing Bates stamp SYMP0086070-76;

IT IS ORDERED that plaintiff shall return or destroy the copies of said document in its possession, consistent with the provisions of ¶ 20 of the parties' stipulated protective order. The court concludes that the document is protected by the attorney client privilege and that the use of the document at Mr. Geiger's deposition does not serve to waive the privilege, as Mr. Geiger was not authorized to waive the corporation's privilege

and counsel was diligent in preserving the privilege in the context of the case by seeking the return of the document within two weeks of its disclosure, as contemplated by ¶ 20.

IT IS FURTHER ORDERED that plaintiff's request to add claims 74 and 78 of the '615 patent is denied, as the record contains no compelling evidence that inclusion of the claims could not have occurred timely or that inclusion now, after the close of both fact and expert discovery, would not unduly prejudice defendants.


United States District Judge